

composing said magnet means (72) of Neodymium Iron Boron (NdFeB);

whereby said magnet (72) positions said check (22) to compressively engage (22A) and disengage (22B), for withstanding said forces (11A) and (11B) by utilizing the tensile strength of said rod (16) for supporting and releasing said object (62).--.

#### REMARKS

Examination and consideration of the amendments submitted herein are respectfully requested in accordance with 37 CFR § 1.115.

#### *Concerning Amendments to the Specification*

These amendments provide corrections towards typographical errors, inclusions, and deletions without adding any new subject matter.

On page 2, line 44: this amendment is required as to not limit the inventions to superior check mechanisms only, as others have been located that also provide more than two friction points.

On page 6, line 170: this amendment is required because the original content possibly created unnecessary definitiveness for any separate inventions that are mentioned.

On page 8, line 262: this amendment is required as to not limit the inventions to superior check mechanisms only, as disclosed below:

*"Please note that the magnet 72 might function with certain other prior two point checks 22....".* (page 10, lines 315-316).

On page 8, line 265: this amendment is required to correct a typographical error.

On page 12, line 372: this amendment is required because the inventor is only providing his theory rather than factual circumstances.

On page 15, line 469: this amendment is required to correct a typographical error.

On page 15, line 482: this amendment is required to correct a typographical error.

On page 16, lines 500-505: this amendment is required because the original content possibly created unnecessary definitiveness for any separate inventions that are mentioned in the original specification.

***Concerning Amendments to the Claims***

The amended claims rely entirely on the original disclosure filed March 9, 2004. These substituted claims combine embodiments of the original specification and claims as set forth below:

Claim 5 is an independent apparatus claim that substitutes for the original claim 1.

Claim 6 is a dependent claim that defines the land and lock as applicable components towards the magnetic invention.

Claim 7 is a dependent claim that defined the best magnet type as Neodymium Iron Boron.

Claim 8 is an independent method claim that substitutes for the original claim 2.

Claim 9 is a dependent claim that defines the land and lock as

applicable components towards the magnetic invention.

Claim 10 is a dependent claim that defined the best magnet type as Neodymium Iron Boron.

Claim 11 is an independent apparatus claim that substitutes for the original claim 3.

Claim 12 is a dependent claim that defines the land and lock as applicable components towards the magnetic invention.

Claim 13 is a dependent claim that defined the best magnet type as Neodymium Iron Boron.

Claim 14 is an independent method claim that substitutes for the original claim 4.

Claim 15 is a dependent claim that defines the land and lock as applicable components towards the magnetic invention.

Claim 16 is a dependent claim that defined the best magnet type as Neodymium Iron Boron.

***Concerning Claim Rejection under 35 USC § 112***

The examiner is asked to consider the new claims submitted herewith as better defining the original invention by particularly pointing out the subject matter.

*"It is important that the reader understand that the exclusive invention herein consist of the primary magnet 72, wherein the cup 70 merely provides expediency for the invention."* (page 9; lines 267-269).

Substitute claims 5 and 8 better defines the invention as being a magnetic means (72), applied between a check (22) and a device (10), wherein the magnet (72) remains as the lone invention as the inventor attempted to point out in the original specification.

The examiner will kindly note that both the check (22) and the device (10) are prior art, standing without any reason to be reinvented. The inventive magnet (72) can be applied to most any prior art device (10) without any specific ramifications to the device (10), a notion which actually creates great marketability for invention. Also, the invention can be applied to other reciprocating devices such as caulking guns.

Per the examiners helpful suggestions, the word "utilized" is now qualified by the words --said check--. The words "exemplified as a door closer" are now changed to --including a door closer--. The word "comprising" is now qualified by the words --said cup--.

In new claims 5 and 8, the words "adapted to" have been changed to --adapted between--. Also, now there is proper antecedent basis for "said device" as to include door closer devices (10).

In new claims 11 and 14, the magnetic invention (72) is claimed as being adapted to a check (22), as best illustrated in Figs. 15-17, 20-23 for supporting and releasing any object (62) attached by a rod (16).

Also in new claims 11 and 14, phrase "whereby said magnet... compliant to said object", has been changed to better define the invention (72) as provided to engage and disengage a check (22) from the tensile strength of a rod (16), for supporting and releasing any object (62) attached by said rod (16).

### ***Concerning Claim Rejection under 35 USC § 102***

For expediency towards allowance, the examiner is asked to kindly refer to Checkovich US 5,592,780; Luca US 5,630,248; and Duffy US 6,904,643 all which comprise a different magnetic invention.

Concerning Checkovich 780, the applicant prepared a disclaimer in the original specification submitted, as stated on page 12, lines 369-377:

*"Note that US 5,592,780 describes an invention that utilizes an electromagnetic means (43) for controlling the check (26), however must not be construed as being anticipated by the inventive concepts described herein. The check (28) comprises only two friction points (29A) applied to the rod (29). [Because] Perhaps because of the lack of points (29A) combined with a non-variable trigger plate (28A), the check (28) must be controlled by the latch plate (26) in order to utilize the magnetic head (43). Furthermore, the latch (26) must be pinned to the flex plate (65) which is further secured by a backing plate (61), with all the above references housed a within a mounting container (51). Comparatively, the invention herein primarily requires a magnet to similarly control the check."*

The examiner will kindly note that all independent claims by Checkovich 780 implement all the substantial elements described above. It is therefore not reasonable to concur that the inventive magnet submitted herein is being anticipated by Checkovich 780.

Furthermore, the Checkovich 780 magnet appears to function by only canceling the check, wherein the inventive magnet herein can also engage the check.

Concerning Luca 248, the magnet is an "alternate biasing means" between a magnetized button 122, a pin 116 and an adjacent structure

such a magnetized boss 120 ( Luca page 5 lines 11-15). The examiner will note that the magnet is only claimed as dependent claim 10.

Concerning Duffy 643, the magnet 80 is also “an additional force” as applied to the hold-open apparatus 30, wherein the apparatus 30 is actually a “rod” which blocks the door in an open position as shown in FIG. 4.

The examiner will note that the check 25 is rendered as optional by the inventive hold-open rod 30. Furthermore, the magnet is only claimed as dependent claim 6.

The differences in the subject matter for inventive magnet and the prior art as a whole would have not been obvious to anyone skilled in the art at the time the inventions were claimed. Omissions of many elements and combinations would have rendered their inventive assembly worthless at the time, and, contrary to the teachings of the art and without any substantial reason for development.

Thus, the prior art assemblies and devices which the examiner has mistakenly confused as being in anticipation conclusively are not.

The examiner is asked to see website <http://doorbutler.com> to better appreciate the commercial importance of these inventions for the door hardware industry. Recently, an OEM located in Taiwan has requested an exclusive opportunity to manufacture these inventions in order to increase their market from 3,000,000 door closers per year.

***Concerning Amendment of the Disclosure per 37 CFR §1.118***

No amendment submitted herein has introduced new matter into the disclosures of the original application filed on March 9, 2004. All amendments absolutely conform to the original disclosures.

***Request for Constructive Assistance per MPEP 707.07 (j)***

The Applicant has attempted to prepare these amendments as proper and definitive towards defining the novel structure which is also not obvious. If for any reason the Examiner determines that this application is not yet in condition for allowance, the Applicant respectfully requests his constructive assistance and suggestions.

***CONCLUSION***

Respectfully, the examiner will therefore determine that the above disclosures are sufficiently evident for the invention as set forth in the application herein. Allowance for the claims as submitted at an early date is requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ricardo Alonso".

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